

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>CHARLES TALBERT</b>	:	<b>CIVIL ACTION</b>
	:	
v.	:	<b>NO. 23-2147</b>
	:	
<b>BEAL BANK USA, MR. DAVID CORTEZ</b>	:	
	:	

**ORDER**

**AND NOW**, this 10<sup>th</sup> day of August 2023, upon considering Defendants' Motion to dismiss (ECF No. 19) the amended Complaint (ECF No. 10), Plaintiff's Opposition (ECR No. 26), and for reasons in today's accompanying Memorandum, it is **ORDERED** Defendant's Motion to dismiss (ECF No. 19) is **GRANTED**:

1. With prejudice as to Title VI claims against David Cortez; and,
2. Without prejudice to Plaintiff filing an amended Complaint no later than **September 5, 2023** pleading facts in good faith which may allow him to proceed on claims by an incarcerated Pennsylvanian against a Pennsylvania citizen within our limited federal jurisdiction.

  
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**KEARNEY, J.**